

purchase offers each including (1) a buyer-specified price for a good or service and (2) a payment identifier specifying a financial account to be used to pay for said good or service upon acceptance of a conditional purchase offer by a seller, comprising:

65 means for identifying one of at least two sellers as a priority seller, wherein means for identifying one of at least two sellers as a priority seller includes: means for determining a market share for each of the at least two sellers; and means for identifying one of the sellers having the largest market share that could also satisfy the conditional purchase offer as the priority seller; and means for providing the priority seller with a first look opportunity to satisfy a conditional purchase offer.

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REMARKS

Applicants respectfully request reconsideration of the instant application in view of the above-referenced amendments and the following remarks. In the instant office action, the Examiner rejected claims 2-25 and 29-43. By this Amendment, Applicants have amended independent claims 5, 9, 10, 12, 32, 36, 37 and 39. In view of the instant amendment, Applicants respectfully submit that the instant application is in condition for allowance.

Rejections under 35 USC 103

The Examiner has rejected each of the pending claims in view of several references and various instances of "official notice". Applicants respectfully submit that the cited references fail to disclose or suggest the claimed invention, as defined by any of the pending

independent claims of the instant application. Applicants note that the instant invention is directed to an allocation system and method for a buyer-driven system. The cited references do not disclose or suggest a buyer-driven system. By the instant Amendment, Applicants have further highlighted the fact that the claimed invention is for use with a buyer-driven system in which conditional purchase offers are received and considered by or on behalf of a plurality of sellers, the conditional purchase offers each including (1) a buyer-specified price for a good or service and (2) a payment identifier specifying a financial account to be used to pay for the good or service upon acceptance of a conditional purchase offer by a seller. The cited references do not disclose or suggest such a buyer-driven system in which conditional purchase offers are received and considered by or on behalf of a plurality of sellers. Rather, in stark contrast to the claimed present invention, the cited references merely disclose traditional seller-driven systems in which sellers offer certain goods or services to buyers at seller-specified prices. In response to such seller offers, the references merely teach buyers placing orders for such goods or services at the seller-specified prices. As such, the references fail to disclose or suggest any form of buyer-driven system in which buyers make offers at a buyer-specified price.

Accordingly, Applicants respectfully submit that the cited references fail to disclose or suggest Applicants' present invention, as defined by any of the independent claims.

#### **REQUEST FOR AN INTERVIEW**

The Examiner is specifically requested to contact Applicants' undersigned representative for a telephonic interview to discuss any remaining issues.

#### **AUTHORIZATION**

If the Commissioner determines that an additional fee is due, or an additional extension of time required, applicant petitions for the extension of time, and authorizes the Commissioner to charge any required fee, or credit any overage, to deposit account 13-4500, Order No. 3553-4018. A duplicate of this sheet is included.

Respectfully submitted,  
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APPENDIX

5. (Amended) An allocation method in a buyer-driven system in which conditional purchase offers are received and considered by or on behalf of a plurality of sellers, the conditional purchase offers each including (1) a buyer-specified price for a good or service and (2) a payment identifier specifying a financial account to be used to pay for said good or service upon acceptance of a conditional purchase offer by a seller, comprising:

determining which of at least two sellers could satisfy a conditional purchase offer;

identifying one of the at least two sellers as a priority seller; and

providing the priority seller with a first look opportunity to satisfy a conditional purchase offer.

9. (Amended) An allocation method in a buyer-driven system in which conditional purchase offers are received and considered by or on behalf of a plurality of sellers, the conditional purchase offers each including (1) a buyer-specified price for a good or service and (2) a payment identifier specifying a financial account to be used to pay for said good or service upon acceptance of a conditional purchase offer by a seller, comprising:

identifying one of at least two sellers as a priority seller, wherein identifying one of at least two sellers as a priority seller includes: determining a number of first look opportunities due to the at least two sellers; determining a number of first look opportunities given to the at least two

sellers; and identifying one of the at least two sellers with the largest deficiency between opportunities given and opportunities due as the priority seller; and

providing the priority seller with a first look opportunity to satisfy a conditional purchase offer.

10. (Amended) An allocation method in a buyer-driven system in which conditional purchase offers are received and considered by or on behalf of a plurality of sellers, the conditional purchase offers each including (1) a buyer-specified price for a good or service and (2) a payment identifier specifying a financial account to be used to pay for said good or service upon acceptance of a conditional purchase offer by a seller, comprising:

identifying one of at least two sellers as a priority seller, wherein identifying one of at least two sellers as a priority seller includes: determining a percentage of first look opportunities due to the at least two sellers based on an adjusted market share; determining a percentage of first look opportunities given to the at least two sellers; and identifying one of the at least two sellers with the largest deficiency between percentage of first look opportunities given and percentage of first look opportunities due as the priority seller; and

providing the priority seller with a first look opportunity to satisfy a conditional purchase offer.

12. (Amended) An allocation method in a buyer-driven system in which conditional purchase offers are received and considered by or on behalf of a plurality of sellers, the conditional purchase offers each including (1) a buyer-specified price for a good or service and (2) a payment

identifier specifying a financial account to be used to pay for said good or service upon acceptance of a conditional purchase offer by a seller, comprising:

identifying one of at least two sellers as a priority seller, wherein identifying one of at least two sellers as a priority seller includes: determining a market share for each of the at least two sellers; and identifying one of the sellers having the largest market share that could also satisfy the conditional purchase offer as the priority seller; and

providing the priority seller with a first look opportunity to satisfy a conditional purchase offer.

32. (Amended) A system for allocation in a buyer-driven system in which conditional purchase offers are received and considered by or on behalf of a plurality of sellers, the conditional purchase offers each including (1) a buyer-specified price for a good or service and (2) a payment identifier specifying a financial account to be used to pay for said good or service upon acceptance of a conditional purchase offer by a seller, comprising:

means for determining which of at least two sellers could satisfy conditional purchase offer;

means for identifying one of the at least two sellers as a priority seller; and

means for providing the priority seller with a first look opportunity to satisfy a conditional purchase offer.

36. (Amended) A system for allocation in a buyer-driven system in which conditional purchase offers are received and considered by or on behalf of a plurality of sellers, the conditional

purchase offers each including (1) a buyer-specified price for a good or service and (2) a payment identifier specifying a financial account to be used to pay for said good or service upon acceptance of a conditional purchase offer by a seller, comprising:

means for identifying one of at least two sellers as a priority seller, wherein means for identifying one of at least two sellers as a priority seller includes: means for determining a number of first look opportunities due to the at least two sellers; means for determining a number of first look opportunities given to the at least two sellers; and means for identifying one of the at least two sellers with the largest deficiency between opportunities given and opportunities due as the priority seller; and

means for providing the priority seller with a first look opportunity to satisfy a conditional purchase offer.

37. (Amended) A system for allocation in a buyer-driven system in which conditional purchase offers are received and considered by or on behalf of a plurality of sellers, the conditional purchase offers each including (1) a buyer-specified price for a good or service and (2) a payment identifier specifying a financial account to be used to pay for said good or service upon acceptance of a conditional purchase offer by a seller, comprising:

means for identifying one of at least two sellers as a priority seller, wherein means for identifying one of at least two sellers as a priority seller includes: means for determining a percentage of first look opportunities due to the at least two sellers based on an adjusted market share; means for determining a percentage of first look opportunities given to the at least two sellers; and means for identifying one of the at least two sellers with the largest deficiency

between percentage of first look opportunities given and percentage of first look opportunities due as the priority seller; and

means for providing the priority seller with a first look opportunity to satisfy a conditional purchase offer.

39. (Amended) A system for allocation in a buyer-driven system in which conditional purchase offers are received and considered by or on behalf of a plurality of sellers, the conditional purchase offers each including (1) a buyer-specified price for a good or service and (2) a payment identifier specifying a financial account to be used to pay for said good or service upon acceptance of a conditional purchase offer by a seller, comprising:

means for identifying one of at least two sellers as a priority seller, wherein means for identifying one of at least two sellers as a priority seller includes: means for determining a market share for each of the at least two sellers; and means for identifying one of the sellers having the largest market share that could also satisfy the conditional purchase offer as the priority seller; and

means for providing the priority seller with a first look opportunity to satisfy a conditional purchase offer.